



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: #04-440
WITH RCW 42.17)	
)	REPORT OF INVESTIGATION
Pierce County Officials-John Ladenburg,)	
Pierce County Executive)	
)	
Respondent)	

I.

BACKGROUND

- 1.1 On August 5, 2003, the Pierce County Council introduced Pierce County Ordinance #2003-80s2. The ordinance, which was passed by the Council on September 2, 2003, included a call for a county-wide election to be held on November 4, 2003, for Pierce County voters to determine whether or not to impose a county-wide local sale and use tax increase of three-tenths of one percent. The revenue raised from the ballot measure, Proposition #1, would be used to fund at least 100 new city and county commissioned law enforcement officers in Pierce County, and to make improvements to the public safety and criminal justice systems by adding corrections officers and prosecutors.
- 1.2 On October 31, 2003, Dale Washam filed a complaint alleging that officials of Pierce County used the public resources and facilities of the county to promote Proposition #1. Two additional complaints were filed, one by David Franta filed on November 4, 2003, and one by Donald Veal submitted by electronic message on November 3, 2003, alleging similar violations. **See Exhibit #1.** At the time the three complaints were filed, they were temporarily suspended based on a King County Superior Court judge's injunction dated July 29, 2002 as detailed below.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW 42.17.010 (10)



- 1.3 On July 29, 2002, King County Superior Court Judge Richard McDermott issued a Permanent Injunction in *Washington Education Association v. PDC et al.* against the PDC's distribution, investigations concerning, and the enforcement of certain provisions regarding RCW 42.17.130. This resulted in PDC staff suspending its investigation into the three complaints submitted by Mr. Washam, Mr. Franta and Mr. Veal. The Washington State Supreme Court heard this case and issued its written decision overturning the lower courts injunction. On January 13, 2004, after the outcome of the litigation had been resolved, the Commission instructed staff to re-activate investigations that had previously been started, and to begin any investigations of alleged violations of RCW 42.17.130 that had been received after the injunction had been issued. This investigation was activated on March 3, 2004.

II.

SCOPE

- 2.1 Staff reviewed the three complaints filed by David Franta, Donald Veal, and Dale Washam against officials of Pierce County.
- 2.2 PDC staff reviewed the April 1, 2004, response to the complaints from Douglas Vanscoy, Chief Civil Deputy for the Office of the Pierce County Prosecuting Attorney on behalf of Pierce County Executive John Ladenburg.
- 2.3 Staff also reviewed the July 12, 2004, response and additional documentation to the complaints submitted by Hudson C. Stansbury, Special Assistant to the Pierce County Executive.
- 2.4 PDC staff members conducted the following interviews under oath as part of this investigation:
- John W. Ladenburg, Pierce County Executive on June 16, 2004, at the offices of the Pierce County Executive. Mr. Ladenburg was represented by Mr. Stansbury;
 - Ronald Klein, Pierce County Director of Communications on June 16, 2004, at the offices of the Pierce County Executive. Mr. Klein was also represented by Mr. Stansbury, and at the interview he provided a number of additional documents of publications produced by his office.

III.

LAW

3.1 **RCW 42.17.130** states the following:

"Forbids use of public office or agency facilities in campaigns. No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency."

3.2 **WAC 390-05-271** states the following:

"General applications of RCW 42.17.130. (1) RCW 42.17.130 does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.

(2) RCW 42.17.130 does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency."

3.3 **WAC 390-05-273** states in part the following:

"Normal and regular conduct of a public office or agency, as that term is used in the proviso to RCW 42.17.130, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use."

IV.

FINDINGS

Ballot Proposition:

- 4.1 On August 5, 2003, the Pierce County Council introduced Pierce County Ordinance #2003-80s2 which was passed by the Council on September 2, 2003, placing a ballot proposition, Pierce County Proposition #1, on the November 4, 2003, general election ballot to raise the local sales and use tax to fund criminal justice activities. Pierce County Ordinance #2003-80s2 stated the following:

"Proposal No. 2003-80s2, An ordinance of the Pierce County Council calling for an election on November 4, 2003, for the purpose of submitting to county voters the determination of whether or not to impose a county-wide local sales and use tax to fund at least 100 new city and county commissioned law enforcement officers and to make needed improvements to the public safety and criminal justice systems, pursuant to Second Engrossed Substitute Senate Bill (SESSB) 5659, Chapter 24, Laws of Washington, 2003."

- 4.2 Pierce County Ordinance No. 2003-80s2 placed Proposition #1 on the November 2003 ballot and also appropriated funds to produce and distribute information that ballot proposition. The ordinance stated in part: **"...\$60,000 of this appropriation shall be utilized to collect and distribute public information regarding the impacts of the proposed public safety and criminal justice sales tax increase on Pierce County."** Based on this ordinance, Pierce County produced and distributed two postcards prior to the November 4, 2003, general election ballot containing information about Proposition #1.

Complaints:

- 4.3 Three complaints were filed between October 31-November 4, 2003, by Dale Washam, David Franta, and Donald Veal alleging that officials of Pierce County used the public resources and facilities of the county to produce and distribute two postcards that were in support of Pierce County Proposition #1. In addition, it was also alleged in one of the complaints that Pierce County Officials targeted the two postcards to registered voters.

Background:

- 4.4 In an interview under oath, Pierce County Executive John Ladenburg stated that his office and the Pierce County Council authorized the postcards. **See Exhibit #2, John Ladenburg Interview Transcript.** The information about Pierce County Proposition #1 contained in the postcards was taken from the ordinance adopted by the Pierce County Council placing the measure on the November 2003 general election ballot. Mr. Ladenburg went on to state the following during his interview:

"Once the county council decided to put the measure on the ballot we, the executive's office, recommended to them that they allocate some funding, some money to distribute information to the voters of what the ballot issue was about. And I don't know if I can remember the exact number but I think around \$40,000 was allocated by the council to do distribution of information. And then I assigned the director of communications, Ron Klein, the job of coming up with the information to be distributed.

- 4.5 Mr. Ladenburg stated that Pierce County Director of Communications, Ronald Klein, does virtually all of the communications with the public for a number of Pierce County Offices including the County Executive, the County Assessor, and the County Treasurer. Those three offices are executive branch departments under the Pierce County charter. Mr. Klein, as Director of Communications, also does all of the communications with the public for the Pierce County Council.
- 4.6 Mr. Klein indicated that he wrote the mailer with Mr. Ladenburg approving the content of the two-direct mail postcards. **See Exhibit #3, Ronald Klein Interview Transcript.** The first postcard was mailed out was mailed out October 16-17, 2003. The second postcard was mailed out was mailed out October 29-30, 2003, just prior to the general election. Mr. Klein stated that the information included in the postcards came from many sources including the Pierce County Budget and Finance Departments, the Pierce County Sheriff's Department, the Pierce County Prosecuting Attorney's Office, the Pierce County Council, the counsel in the Pierce County Executive's Office, and from a wide range of non-profit organizations.

Content of the First Super Postcard:

- 4.7 There were two "super postcards" (8 1/2" x 11") that were produced and distributed by Pierce County with regard to Proposition #1. The first "super postcard" **See Exhibit #4**, stated on the address side in bolded letters of varying font size: "Important Information about Your Taxes and **Safety.**" The postcard went on to state on the other side "**Why do Pierce County, Tacoma and other cities need more police officers, an improved court system and increased public safety?**"
- 4.8 The information in the first "super postcard" included check marks followed by statements about Pierce County being ranked as the 38th county out of 39 in Washington State for the number of officers per citizens, that it has the highest violent crime rate in the state, the most felony convictions, the most sex offenders, the second most auto thefts, and the most meth-manufacturing labs on the West Coast. The postcard stated in bolded letters, "**On Tuesday, November 4th, the residents will vote on Proposition 1, a measure to increase our sales tax by three-tenths of a percent.**" followed by the heading "What will Proposition 1 do?" and then four bulleted items with the first word bolded in each instance:
- **Increase** law enforcement and reduce response time by hiring more than 100 new county and city police officers;

- **Provide** prompt justice and accountability for offenders by increasing the number of judges, prosecuting attorneys and public defenders;
- **Assure** that offenders do not receive early release and the remaining areas of the new jail can be opened by hiring more corrections officers;
- **Provide** prompt justice and accountability for offenders by increasing the number of judges, prosecuting attorneys and public defenders.

- 4.9 The first "super postcard" addressed the issue of what would happen if Proposition #1 passes and what would happen if it fails. The "super postcard" stated that if Proposition #1 is approved the sales tax will be raised three tenths of a percent which results in a 3 cent increase on a \$10 purchase, excluding purchases of food, medicine and automobiles. The information then stated if Proposition #1 fails, Pierce County and cities can choose to do nothing, reduce or eliminate other services or resubmit another ballot proposition at a later time.
- 4.10 The information contained in the first "super postcard" stated the costs of ballot proposition in two places. The postcard contained a number of bolded and highlighted areas with a larger font size used for certain words that included "Important", "Taxes", and "Safety." The postcard included checkmarks that contained information about how poorly Pierce County ranked with regard to specific areas of crime, followed by four bulleted items. The first word in each bulleted item was bolded followed by general statements about what Proposition #1 would do. However, no specific information was included in the postcard to clarify how Proposition #1 would accomplish what it was intended to do.

Content of the Second Super Postcard:

- 4.11 The second "super postcard", **See Exhibit #5**, stated on the address side in bolded letters of varying font size: "**More Important Information about Proposition 1.**" The postcard went on to state on the reverse side "Proposition 1 must be used for public safety purposes only" on the top panel in larger point type font than the rest of the text. The postcard further stated that "On Tuesday, November 4th, residents will vote on Proposition 1, a measure to increase our sales tax by three-tenths of a percent." **See Exhibit #4.** The postcard included under the heading "What will Proposition 1 do?" six bulleted items with the first word bolded in each instance:

- **Hire** 100 more police officers in the cities and the county to improve law enforcement.
- **Fund** three new domestic violence centers to protect and assist victims and their children.
- **Save** criminal costs by funding juvenile crime prevention programs that keep children out of jail.
- **Protect** seniors from financial, physical and emotional abuse.
- **Hire** 48 corrections officers to prevent the early release of prisoners and open the remaining areas of the new jail.
- **Provide** prompt justice and accountability for offenders by increasing the number of judges, prosecuting attorneys and public defenders.

4.12 The information in the second "super postcard" stated what Proposition #1 would cost, why it is on the ballot, and that if the measure was approved the sales tax will be raised three tenths of one percent which would result in a 3 cent increase on a \$10 purchase. The postcard also stated that Proposition #1 excludes purchases of food, medicine and automobiles, and that the funds can only be used for public safety purposes. The postcard included under the heading "Why is Proposition 1 on the ballot" the following six bulleted items about Pierce County:

- We have the highest violent crime rate in the state.
- The most felony convictions.
- The most meth-manufacturing labs.
- The most sex offenders.
- The most auto thefts.
- Pierce County ranks 38th out of 39 counties in the number of officers per citizens.

4.13 The information contained in the second "super postcard" stated the costs of the ballot proposition in two places. The postcard contained a number of bolded and highlighted areas with a larger font size used to emphasize certain words including "More Important" and "Proposition 1 must be used for public safety purposes only." The postcard included two different sets of bulleted information, one about how poorly Pierce County ranked with regard to specific areas of crime. The other bulleted items addressed what Proposition #1 would do if the measure was approved, with the first word being bolded in each bulleted item followed by some general statements. No specific information was included in the second "super postcard" to clarify how Proposition #1 would accomplish what it was intended to do.

John Ladenburg Involvement with Super Postcards:

- 4.14 Mr. Ladenburg stated the following with regard to the content of the two postcards:

"I met with Ron a number of times and talked about what we ought to put out and how it ought to be presented and what would be the cheapest ways to do it. You know, whether it would be by a letter or a mailer or whether you buy an ad in the paper or you know, there's all kinds of ways to do communications and the question was how can we get kind of the most information to the most people with the amount of money we've got to work with. And so Ron would come to me and say I'm thinking about doing a postcard thing for example and he'd show me what he's thinking of and I would approve it. Say okay that would be okay and then we'd talk about content also."

- 4.15 Mr. Ladenburg told Mr. Klein what type of information could be included in a publication using taxpayer funds and what types of information should not be included. He stated that it had always been his policy to talk to the people at the Attorney General's Office and with PDC staff, and that he would call PDC staff, and fax them a copy of the information that Pierce County was sending out. He said PDC staff would provide comments about the information, and he went on to state :

"then we would say okay. Now there never was a process like where you stamped it and said it was okay. But it was kind of informal discussion like that with staff and that's what I at first thought we would do here until we found out we couldn't do that or the PDC wasn't going to do that this year... Because that had always been my policy is let's run it by the PDC people and let them tell us what they think of it before we send it out. "

Cost and Timing of the 2-Super Postcards:

- 4.16 On July 12, 2004, PDC staff received from Hudson C. Stansbury, Special Assistant to the Pierce County Executive, invoices for the printing, postage, labeling and art direction and creation of the two "super" postcards produced and distributed by Pierce County. **See Exhibit #6.** The two "super" postcards cost a total of \$55,060.42 and included the following costs:

Purpose	Vendor	Amount
Artwork	Bailey Creative	\$ 785.00
Addresses	Labels & Lists	\$ 3,451.52
Postage/Permits	General Services	\$41,020.06
Printing	General Services	\$ 9,803.84
TOTAL		\$55,060.42

According to the invoices listing the postage/permitting costs, the first "super postcard" was mailed out October 16-17, 2003, and the second "super postcard" was mailed out October 29-30, 2003, just prior to the 2003 general election.

Historically, the PDC has routinely advised and held the position that with respect to election-related publications, one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate. If the agency distributes more than one jurisdiction-wide publication about a ballot measure, the agency must be able to demonstrate that this conduct is normal and regular for that agency.

Targeting of Proposition #1 2-Super Postcards to Registered Voters:

- 4.17 The decision was made by Mr. Ladenburg to produce and distribute two postcards that would be sent to households with a voter who had voted in two of the last four elections. The addresses and labels for the two postcards were purchased for this specific purpose from Label's and Lists for a total cost of \$3,451.52.
- 4.18 In the response provided by Mr. Vanscoy, he stated that Mr. Washam's complaint focused not on the content of the postcards but more on the distribution. He indicated the decision was made that the distribution of the postcards were to be restricted to those who were likely to get some use of it, and those most in need to the information were likely voters. He further stated: **"There was no effort to target likely YES voters, or to get out the YES vote. There was no targeting by demographics such as age, sex, or geography. The information related to a ballot issue, and the mailing went to people likely to be voting on the ballot issue."**
- 4.19 Mr. Vanscoy also stated that the mailer should not have been sent to all citizens and persons who were unlikely to vote, and went on to state that to send information to that segment of the population was: **"...to urge that public money be squandered. Targeting likely voters with objective information concerning a ballot issue is certainly as justifiable as the**

practice of legislators targeting likely voters with general information..." He went on to cite RCW 42.52.180 and a column that appeared in the Tacoma News Tribune about Washington State Legislators sending legislative mailings that were targeted to registered voters.

- 4.20 Mr. Klein stated that there were about 300,000 registered voters in all of Pierce County which represented about 200,000 households. He stated there were discussions about who would receive the direct mail postcards, and they decided that the recipients were based on the amount of funds that the Pierce County Council had appropriated in the ordinance. Mr. Klein went on to state the following:

"We didn't have the funds available to print that many pieces and pay for postage. So we received a budget from the county council for the purpose of these two mailers and we decided how many we could reach within that budget. And one of the rules of advertising is it often times isn't nearly as effective to only mail one, to mail twice. And if you have the funds, mail three times. Well we didn't have the funds for three times, but we did twice to reach two out of four voters. Two out of four voters are people who have voted in primary's, two out of the last four primary's and general elections."

- 4.21 Mr. Ladenburg stated that the county had to use their money wisely, and the appropriation was only for \$60,000. He stated the decision to target the postcards was the most cost effective way to reach people that would most likely show up at the polls. He went on to state that:

"Two out of four, you know I think it just came up with numbers. You know, how much can we afford to do as to opposed to, that that would be obviously more effective would be 100% of the voters but you know that 100% of the voters are never going to go to the polls and especially in an off year election like that. So it was just an issue of try to get the most information to the most people and Ron just gave me the numbers and I probably said yeah do that because he'd say well look here we can get two out of four and the cost would be x. And we could do two mailings and that's more effective than one mailing because people see the first one and then they're reminded. You do another one and you know it's on the ballot. And from his advertising expertise he's always told me one thing is never effective..."

Pierce County Request for PDC Review of Super Postcard Information:

- 4.22 On April 1, 2004, PDC staff received a response from Douglas Vanscoy, Chief Civil Deputy for the Office of the Pierce County Prosecuting Attorney, on behalf of Pierce County Executive John Ladenburg. **See Exhibit #7.** In the response, Mr. Vanscoy stated that Pierce County had submitted the postcard to PDC staff for review prior to finalizing the information about Proposition #1 and sending it to the printer. He went on to state they were informed by PDC staff that an injunction had been issued by the King County Superior Court, and that based on that injunction, PDC staff would not review that information. Mr. Vanscoy went on to state the following:

"...the opinion the Supreme Court ultimately issued in that case, Judge McDermott had only enjoined PDC publication or enforcement action concerning three specific provisions of the "Guidelines for School Districts in Election Campaigns" which the WEA had challenged, provisions which related solely to union distribution of information on school property and by internal mail and email systems...If there was something in that decree that required or even justified the PDC's refusal to examine Pierce County's literature before mailing, it escapes us."

- 4.23 Mr. Vanscoy stated that Pierce County had previously sought and obtained a PDC staff review of a 1996 ballot proposition regarding an increase in the sales tax in order to pay for jail improvements. He indicated that PDC staff reviewed the information prior to distribution, and that Pierce County had modified the information to reflect PDC input. Mr. Vanscoy stated that had the PDC staff reviewed the Proposition #1 information, Pierce County would have likely considered and made the changes. He further stated that **"Had the PDC offered substantial objections, the mailings may not have even occurred. Where Pierce County has previously sought and honored Commission input, it is manifestly unfair for the Commission to contemplate enforcement action now when it refused our requested pre-distribution review concerning the subject material."**
- 4.24 On March 4, 1996, PDC staff provided Duane Rivera, a staff person with the Office of the Pierce County Executive, a written memorandum of staff's review of proposed information regarding a 1996 Pierce County ballot proposition to increase the sales tax in order to pay for jail improvements. **See Exhibit #7, page 5.**

The memorandum was sent to Pierce County in response to a request from them to review the information. As part of that review, PDC recommended that Pierce County remove the word "important" from the sentence "Please take time to learn about this important issue." In the final version of the fact sheet that was distributed by Pierce County officials in 1996, the word "important" was removed. In addition, PDC staff also recommended that language such as "*several hundred prisoners may need to be released*" and "*the county will remain unable to arrest, prosecute, and sentence all criminals, and many prisoners will continue to be released early*", should be removed because they could be interpreted as inflammatory statements, matters of opinion, or an emotional appeal for support. The final version of the 1996 fact sheet made changes to that information so that it was more balanced.

- 4.25 Mr. Ladenburg stated that he had been involved with quite a few ballot propositions over the years as former Pierce County Prosecuting Attorney from assisting with the Pierce County Council and the Pierce County Executive's Office. He stated that when either of those offices wanted to put out information to the public regarding a ballot proposition, they would ask the Prosecuting Attorney's Office to assist them on the type of information they could include in accordance with PDC rules. He indicated they would talk to the PDC staff about the information that could be included in a particular publication.
- 4.26 Mr. Ladenburg also stated the PDC staff did not review the information in this case. Mr. Stansbury contacted PDC staff on behalf of the executive, and requested a review of the ballot proposition information. Mr. Ladenburg stated that Mr. Stansbury explained to him that the PDC was involved in a lawsuit, and that they couldn't review the information, or even provide them with an informal opinion. Mr. Ladenburg further stated the following: **"...so I said well let's look at it ourselves. We've got lawyers here, we've been involved in it and we'll figure it out ourselves and do what we can."**
- 4.27 Mr. Ladenburg stated that he made the determination that they would produce the postcards in house without advice or review from the PDC. He told Mr. Klein about PDC laws, since Mr. Klein had only been employed in the private sector and had not worked with a governmental agency and was not familiar with the restrictions imposed by RCW 42.17.130. Mr. Ladenburg went on to state the following:

"...we had to be careful. His inclination was to sell the thing of course because he was in private sector for 25 years and I said no, no we have to give them the facts. And so I tried to narrow it

down for him as to the law and said okay you want to lay out what the proposition is. What is being asked. What the tax rate is, what those things, what the numbers are for people and give them some conceptual idea of what they would pay if this is passed. Then you want to lay out what they will buy. What they're being sold. What are you going to get. And then you want to lay out what happens if it doesn't happen. You know, if they vote no what's going to happen. It tells them to do different things..."

4.28 In addition, Mr. Vanscoy stated the following:

"...the format of that earlier piece was essentially the same as that of the subject mailings, posing questions, "Why does Pierce County need a jail addition?" and "What if Proposition 1 passes/fails?" These are questions a voter needed answered in order to make an informed decision concerning the proposition...In short, the 2003 mailers were fair and objective, just as the 1996 advertising was. Again, if the Commission did have concerns about the language of the mailers, the time to have said so would have been back in September when it was asked for input. Changes could have been made then if necessary."

Pierce County History of Prior Distribution of Election-related Information:

4.29 In the response received on April 1, 2004, Mr. Vanscoy stated that Pierce County had previously distributed information about a 1996 ballot proposition. The March 26, 1996 ballot proposition, Proposition #1, proposed increasing the sales tax by one-tenth of one-cent in order to build a jail addition next to the existing Pierce County jail. That information was solely distributed to citizens as a newspaper advertisement at a cost of \$15,000. The information concerning the 1996 Pierce County Jail Bond Measure was not distributed in any other manner.

4.30 Mr. Stansbury stated that other than the 1996 Jail Bond Measure, Pierce County had only placed one additional measure on the ballot prior to the 2003 ballot measure. That measure, also Proposition #1, appeared on the 2000 primary election ballot and proposed increasing the sales and use tax by one-tenth of one percent to provide funds to acquire, maintain or improve local parks, accredited zoo and aquarium, and wildlife preserves pursuant to RCW 82.14.400(6). The measure was approved by a 59.25% "Yes" vote. Mr. Stansbury went on to state **"the County placed**

a sales tax increase on the ballot in 2000, during the prior Executive administration, to raise revenue for parks. The county produced no informational materials for that issue.”

Other Information Distributed by Pierce County Agencies:

- 4.31 On July 12, 2004, PDC staff received the response and additional documentation to the complaints submitted by Hudson C. Stansbury, Special Assistant to the Pierce County Executive. **See Exhibit #6.** The response stated that Pierce County was providing additional examples of publications they had produced and distributed that contained information given to citizens. The response from Mr. Stansbury went on to state:

“...All of those have been mailed and some have been distributed in other ways in addition to mailing, i.e. made available at various public facilities, or disseminated at meetings or public gatherings. These are merely a sample of the county’s informational efforts, but by no means represent all the county’s communications with its citizens. The common feature among these mailings and the voter information mailing in question, is that each mailing was targeted to citizens who were perceived to be the most likely to benefit from the respective message. “

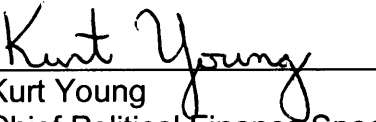
- 4.32 In addition, the response went on to list 7 examples of targeted mailings that had been undertaken by Pierce County since Mr. Ladenburg had taken over as Pierce County Executive. Those seven included the following:

- December 7, 2001, mailing sent from the Pierce County Executive and Council to 2 of 4 registered voters explaining the council vote to raise the Real Estate Excise Tax;
- Pierce County Department of Public Works and Utilities, Solid Waste Division newsletter that is sent to targeted households in unincorporated areas where solid waste services are provided;
- Transportation Division, Department of Public Works targeted a mailer to residents and businesses in the geographic region that would be impacted by the Cross-Base Highway;
- Pierce County Assessor’s Office targets informational mailers according to message and budget, that includes senior citizens regarding the senior property tax exemption, homeowners, and by portions of the county-i.e. County Council districts.

- Pierce County Auditor's Office, Election's Division targets informational mailers sent to all registered voters, and then also targets a smaller population such as absentee voters, registered voters within a jurisdiction where training is going to be conducted, and individual voters who are members of "The Voter Hall of Fame";
- Pierce County Park's Department mails flyers and booklets to a variety of interest groups using mailing lists compiled based on their participation or interest in a past parks program;
- Pierce County Council mailings from incumbent councilmembers or "franking privileges" are targeted to registered voters based on the issue and are directed to persons who have voted in recent elections (1,2,3 or 4).

4.33 In all matters related to this investigation, Pierce County Executive John Ladenburg, Pierce County Director of Communications Ronald Klein, and other Pierce County officials have fully cooperated.

Respectfully submitted this 9th day of November, 2004.


Kurt Young
Chief Political Finance Specialist

List of Exhibits

- Exhibit #1** Complaints filed by Dale Washam, David Franta and Donald Veal alleging violations by Pierce County Elected Officials.
- Exhibit #2** Transcript of John Ladenburg Interview.
- Exhibit #3** Transcript of Ronald Klein Interview.
- Exhibit #4** Copy of first "super" postcard produced and distributed by Pierce County.
- Exhibit #5** Copy of second "super" postcard produced and distributed by Pierce County.
- Exhibit #6** Invoices for the two postcards mailed by Pierce County regarding Proposition #1.
- Exhibit #7** April 1, 2004, response from Douglas Vanscoy, Chief Civil Deputy for the Office of the Pierce County Prosecuting Attorney, on behalf of Pierce County Executive John Ladenburg.
- Exhibit #8** Received response and additional documentation submitted by Hudson C. Stansbury, Special Assistant to the Pierce County Executive on behalf of Pierce County Executive John Ladenburg.